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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,343	12/23/2003	Samir Raiyani	13909-137001 / 2003P00366	4701

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FISH & RICHARDSON, P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
AMSDELL, DANA

ART UNIT	PAPER NUMBER
3627	

NOTIFICATION DATE	DELIVERY MODE
07/21/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

	Application No.	Applicant(s)
Office Action Summary	10/743,343	RAIYANI ET AL.
	Examiner	Art Unit	
	DANA AMSDELL	3627	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 May 2009</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>58-64,68-77 and 81-96</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>58-64, 68-77 and 81-96</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/15/2009</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Remarks

1.   Examiner acknowledges cancellation of claims 65-67, 78-80, and 81- 90 and

amendments to independent claims 58, 71, and 84 for the purpose of continued

examination.

Applicant's remarks regarding Bergman teaching an arena venue, thus not anticipating

a warehouse environment, have been fully considered but they are not persuasive. In

light of the Specifications, Examiner interprets 'warehouse environment' to be any

venue that holds an inventory; and employs "worker[s] who often use their hands to

perform tasks" (page 2, line 1). Claims 58, 71 and 84 as amended will be examined on

their merit in the immediate action.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

3.   Claims 58-64, 68-77, and 81-96 are rejected under 35 U.S.C. 102(b) as being

anticipated by Bergman et al. (US 7174308), herein "Bergman".

4.   Regarding claims 58, 71 and 84 are directed to multimodal warehouse

applications, Bergman teaches:

- one or more computers; and

- a computer-readable medium coupled to the one or more computers having

  instructions stored therein (Fig. 7); which, when executed by the one or more

  computers, cause the one or more computers to perform operations comprising:

      providing a multi-modal user interface on a mobile device (Fig. 1, elm. 36),

  the multi-modal interface for performing inventory management tasks (column 5,

  lines 25-32) in an environment that holds an inventory (Fig. 5, elm. 100/102) and

  employs workers who often use their hands to perform tasks, henceforth

  'warehouse' (Fig. 1, elms. 32/ 34), and the multi-modal interface enabling output

  and user input of information using both first and second modalities that

  collectively include a voice-based modality and a touch-based modality (Fig. 1,

  elms 20/22/24);

      receiving a first user input identifying a job type mode (column 5, lines 8-10

  –order), the first user input being input using either the first modality or the

  second modality as chosen by a user of the mobile device, and the job type

  mode being selected from among a stocking mode in which the user enters one

  or more items into a dispenser, henceforth 'bin', in the warehouse environment a

  picking mode in which the user removes the one or more items from the bin in

  the warehouse environment, and a counting mode in which the user counts the

  one or more items in the bin in the warehouse environment (column 6, lines 18-

18),

transmitting information identifying the user-selected job type mode to an

inventory management system a server, in a format consistent with the modality

in which the first user input was received (column 4, lines 5-15),

responsive to transmitting the information, receiving a response to the

information identifying the user-selected job type mode from the inventory_

management system (Fig. 3, block 84; and column 4, lines 34-44), in formats

consistent with both the first modality and the second modality (column 6, lines

44-53), the response identifying a location at which the user will perform a

function related to the user-selected job type mode on the one or more items, a

description of the one or more items, and a best 'zone' (henceforth 'route') from a

present location of the user to the bin an item (column 4, lines 41-50; and Fig.

10-Zone; and column 9, lines 29-34),

providing the response to the user using both audio and display

components of the multi-modal user interface, in the formats consistent with both

the first modality and the second modality (column 7, lines 30-50),

receiving a second user input using either the first modality or the second

modality as chosen by the user, the second user input indicating that the user

has completed the selected function, and including count information or location

information associated with the one or more items as observed by the user and,

when the voice-based modality is used, a phonetically distinct checkword

associated with the bin to indicate completion of the selected function (column 4,

lines 34-67-wherein end of order flag or indicator is a checkwork in voice-based

modality, henceforth checkword),

updating inventory data for the one or more items item based on the count

information or the location information, the updated inventory data being

accessible using the formats consistent with both the first modality and the

second modality (column 5, lines 7-15), and

transmitting information indicating that the user has completed the selected

function related to the user-selected job type mode to the inventory_

management, in a format consistent with the modality in which the second user

input was received (column 4, lines 36-67; and column 5, lines 6-7)

5.   Regarding claims 59, 72 and 85, Bergman teaches wherein the operations

further comprise:

outputting the updated inventory data in a format consistent with either the first modality

or the second modality, such that the inventory data is maintained during performance

of the inventory management tasks (Fig. 5, elm. 102; and column 5, lines 28-41).

6.   Regarding claims 60, 73 and 86, Bergman teaches wherein the job type mode

comprises job data (Fig. 3, elm. 80-wherein an order is representative of a job' and

order content represents job data).

7.   Regarding claims 61, 74 and 87, Bergman teaches wherein the multi-modal
interface further enables output and user input information using first modality and the
second modality collectively include two or more of a voice modality, a Radio Frequency
Identification Device (RFID) modality, or a bar code modality (Fig. 7, elms. 151/152/153;
and column 7, lines 30-50),

8.   Regarding claims 62-63, 75-76 and 88-89, Bergman teaches wherein the
operations further comprise receiving a pick list identifying the one or more items and
the function; and further displaying the pick list using a visual user interface, and
outputting, using voice synthesis, information identifying less than all items on the pick
list (column4, lines 16-33).

9.   Regarding claims 64, 77 and 90, Bergman teaches wherein the formats
consistent with both the first modality and the second modality comprise HTML and
VXML, respectively Fig. 7, elms. 151/152; and column 7, lines 12-42).

10.   Regarding claims 68, 81 and 94, Bergman teaches further:
determining, based on updating the inventory data, that the bin associated with the
item is expected to be empty; prompting the user to confirm whether the bin is actually
empty, using both the first modality and the second modality (Fig. 1, elms. 34/36; and
column 5, lines 25-61).

11.   Regarding claims 69-70, 82-83 and 95-96, Bergman teaches wherein the first

user input is received using a different modality than the second user input; wherein:

the first user input is received using the voice-based modality, and

the second user input is received using the touch-based modality (column 7, lines 43-

51; and column 8, lines 1--2).

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Peterson et al.	(US 7039166)
Barnes, Jr.	(US 7487112)
Nagai et al.	(US 6636587)
Sravanapudi et al.	(US 2001/0049603)
Bondarenko et al.	(US 2004/0083479)

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DANA AMSDELL whose telephone number is (571)270-

5210. The examiner can normally be reached on 5/4/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627